

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

LESLIE ADAMS, BRIAN R. BALL, NICHOLAS L. BALL,
ROY C. BALL, BILLY J. BARKER, JERRY W. BARKER,
KENNETH D. BARKER, ALLEN BAXTER, JAMES A. BIAS,
KENVIL R. BIAS, CURTIS BROWN, GENE CASTLE,
DENNIS D. CHAPMAN, LEO E. COGAR, HAROLD G.
COLLINS, ROGER L. COLLINS, BRIAN L. COOK, JAMES
R. COOK, JAMES T. COOK, DAVID W. CRADDOCK,
JOHN R. CRADDOCK, DAVID L. DECK, JACK A. DEMPSEY,
JOHN K. DEMPSEY, CHARLES W. DENT, ROBERT
E. DENT, PAUL E. DILLON, TOM DOOLEY, O'DELL
R. ELLIS, ELLERY D. FARLEY, HOWARD L. FARLEY,
MICHAEL L. FARRIS, GARY D. FOSTER, THOMAS R.
GILES, BERNIE J. HAGER, DAVID P. HAGER, STEVEN
M. HAGER, TIMOTHY M. HAGER, TOLBERT L. HALL,
EDDIE A. HICKS, ROSTON W. HUNTER, BILLY R. JARRELL,
JONATHAN JAVINS, SHERMAN JOHNSON, JAMES M.
KINDER, ROWDY KINSER, RUSTY KINSER, RICHARD L.
KNIGHT, WILLIAM L. KNIGHT, JR., DONALD R. LANHAM,
TERRY L. LAWS, BOBBY LITTLE, ORVILLE P. LITTLE,
JIMMY DALE LOFTUS, DAVID R. LOVEJOY,
DAVID E. MAY, JOHN G. MAYHORN, TIMOTHY
McGUIRE, BILLY W. McKINNEY, SHANE M.
MITCHELL, BARRY A. MYNES, GREGORY S. NAPIER,
BILLY C. NELSON, ROY E. NEWSOME, TONY L.
NICHOLS, DAVID R. OLDER, SAMUEL D. PERDUE,
RUSSELL D. PETERS, LESLIE R. RICE, TIMOTHY P.
ROBINSON, WILLIAM KYLE SCAGGS, HOWARD SCALF,
JR., JOHN M. SHIRKEY, ALLEN SMITH, BRIAN SMITH,
DOUGLAS SMITH, WILLIAM H. SMITH, JACKIE E.
SPURLOCK, JACKIE E. SPURLOCK, JR., RICKEY A.
SPURLOCK, MARK STOLLINGS, NAAMAN (BUD) STOLLINGS,
PAUL E. STOVER, LEONARD M. TABOR, SCOTT W.
THOMPSON, CALVIN R. TOMLIN, OPIE TOMBLIN,
JR., FULTON H. TONEY, DAVID TOWNSEND, KEVIN J.
TRAMMELL, PHILLIP J. WHITE, REATHER (RICK)
WILLIAMSON, RAY WOLFORD, LAWRENCE WOODS, JR.,
CLYDE W. WORKMAN, JR., DARREN WORKMAN,
EARL WORKMAN, LENNIE W. WORKMAN, RODNEY L.
YEAGER, and others similarly situated,

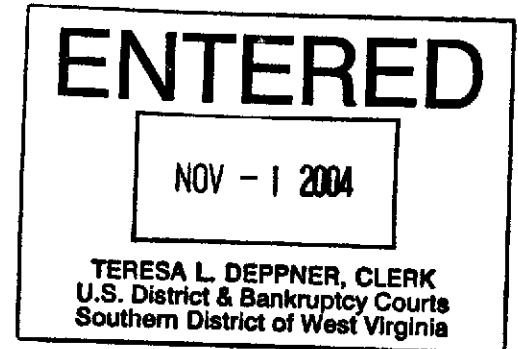
Plaintiffs

v.

CIVIL ACTION NO. 2:02-1275

BAR-K, INC., APOGEE COAL COMPANY,
HOBET MINING, INC., ROGER BELL and
BILLY BARKER, individually, and as responsible
corporate officers of BAR-K, INC.,

Defendants



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FWJ

O R D E R

Pending is the joint motion for stay, filed October 29, 2004.

The stay is requested in facilitation of negotiations with a third party that would render this action moot. Inasmuch as the parties have demonstrated good cause, the court ORDERS that the motion to stay be, and the same hereby is, granted. The court further ORDERS that all additional proceedings in this case be, and the same hereby are, stayed until further order. The case is hereby retired to the inactive docket.

The Clerk is directed to forward copies of this order to all counsel of record.

DATED: November 1, 2004



JOHN T. COPENHAVER, JR.
United States District Judge